

JOURNAL OF THE SENATE

EIGHTY-SEVENTH SESSION

TWENTY-FIRST DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, February 14, 2012

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Kristopher Cowles, followed by the Pledge of Allegiance led by Senate page Madeline Schueller.

Roll Call: All members present except Sen. Krebs who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twentieth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Bob Gray, Chair

Which motion prevailed.

1

HONORED GUESTS

2 The President introduced Jack Gordon, Sioux Falls, 2011 American Legion Boys State
3 Governor and Beth Mayrose, Salem, 2011 American Legion Auxiliary Girls State Governor to
4 the body.

5

COMMUNICATIONS AND PETITIONS

6 February 14, 2012

7 Mr. President and Members of the Senate:

8 I have the honor to inform you that on February 13, 2012, I approved Senate Bills 2, 3, 6,
9 16, 17, 21, 24, 26, 28, 55, 63, and 140, and the same have been deposited in the office of the
10 Secretary of State.

11

Respectfully submitted,

12

Dennis Daugaard

13

Governor

14

REPORTS OF STANDING COMMITTEES

15 MR. PRESIDENT:

16 The Committee on Judiciary respectfully reports that it has had under consideration
17 HB 1021, 1060, 1061, 1062, and 1177 and returns the same with the recommendation that said
18 bills do pass and be placed on the consent calendar.

19

Respectfully submitted,

20

Craig Tieszen, Chair

21 Also MR. PRESIDENT:

22 The Committee on Education respectfully reports that it has had under consideration
23 HB 1005 and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Education respectfully reports that it has had under consideration
3 HB 1006, 1007, 1124, and 1147 and returns the same with the recommendation that said bills
4 do pass and be placed on the consent calendar.

5 Respectfully submitted,
6 J. Mark Johnston, Chair

7 Also MR. PRESIDENT:

8 The Committee on Agriculture and Natural Resources respectfully reports that it has had
9 under consideration HB 1037, 1038, and 1070 and returns the same with the recommendation
10 that said bills do pass and be placed on the consent calendar.

11 Respectfully submitted,
12 Ryan Maher, Vice Chair

13 Also MR. PRESIDENT:

14 The Committee on Commerce and Energy respectfully reports that it has had under
15 consideration HB 1033, 1034, 1035, and 1073 and returns the same with the recommendation
16 that said bills do pass and be placed on the consent calendar.

17 Also MR. PRESIDENT:

18 The Committee on Commerce and Energy respectfully reports that it has had under
19 consideration HB 1071 and returns the same with the recommendation that said bill be amended
20 as follows:

21 1071ra

22 On page 8, after line 13 of the printed bill, insert:

23 "Section 2. The provisions of this Act apply to coverage the guaranty association provides
24 in connection with a member insurer that is placed under an order of liquidation with a finding
25 of insolvency on or after January 1, 2012.

26 Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace,
27 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
28 effect from and after its passage and approval retroactive to January 1, 2012."

1

1071rta

2

3

On page 1, line 2, of the printed bill, after "annuities" insert ", to provide for retroactive application, and to declare an emergency".

4

And that as so amended said bill do pass.

5

Also MR. PRESIDENT:

6

7

8

9

The Committee on Commerce and Energy respectfully reports that it has had under consideration the nomination of Pamela Roberts of Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of Labor and Regulation and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment.

10

11

Respectfully submitted,
Eldon Nygaard, Vice Chair

12

Also MR. PRESIDENT:

13

14

The Committee on Legislative Procedure respectfully reports that SB 7 was delivered to his Excellency, the Governor, for his approval at 10:15 a.m., February 14, 2012.

15

Also MR. PRESIDENT:

16

17

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 33, 34, and 51 and finds the same correctly enrolled.

18

19

Respectfully submitted,
Bob Gray, Chair

20

MESSAGES FROM THE HOUSE

21

MR. PRESIDENT:

22

23

I have the honor to return herewith SB 33, 34, and 51 which have passed the House without change.

24

Also MR. PRESIDENT:

25

I have the honor to return herewith SCR 4 in which the House has concurred.

1 Also MR. PRESIDENT:

2 I have the honor to transmit herewith HCR 1008 which has been adopted by the House and
3 your concurrence is respectfully requested.

4 Also MR. PRESIDENT:

5 I have the honor to transmit herewith HB 1122, 1160, 1179, 1209, 1234, 1246, 1247, 1248,
6 1254, and 1269 and HJR 1006 which have passed the House and your favorable consideration
7 is respectfully requested.

8 Respectfully,
9 Karen Gerdes, Chief Clerk

10 **MOTIONS AND RESOLUTIONS**

11 Sen. Brown moved that HB 1138 be referred from the Committee on Commerce and
12 Energy to the Committee on State Affairs.

13 Which motion prevailed.

14 Sen. Olson moved that HB 1183, 1232, 1203, 1040, 1041, 1029, and 1223 be deferred to
15 Wednesday, February 15, the 22nd legislative day.

16 Which motion prevailed.

17 HCR 1008: A CONCURRENT RESOLUTION, Recognizing the week of June 25 through
18 June 29, 2012, as Ag Week in South Dakota.

19 Was read the first time, the President waived the referral to committee, and placed
20 HCR 1008 on the calendar of Wednesday, February 15, the 22nd legislative day.

21 **CONSIDERATION OF REPORTS OF COMMITTEES**

22 Sen. Olson moved that the reports of the Standing Committees on
23 Local Government on SB 171 as found on page 378 of the Senate Journal; also
24 Judiciary on SB 10 as found on page 379 of the Senate Journal; also
25 State Affairs on SB 170 as found on page 380 of the Senate Journal; also

1 State Affairs on SB 188 as found on page 380 of the Senate Journal be adopted.

2 Which motion prevailed.

3 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

4 HB 1122: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
5 vacation, change, or location of highways.

6 Was read the first time and referred to the Committee on Transportation.

7 HB 1160: FOR AN ACT ENTITLED, An Act to provide for the award of filing fees as
8 court costs in certain appeals.

9 Was read the first time and referred to the Committee on Judiciary.

10 HB 1179: FOR AN ACT ENTITLED, An Act to require certain campaign finance
11 requirements to apply to all counties and municipalities.

12 Was read the first time and referred to the Committee on Local Government.

13 HB 1209: FOR AN ACT ENTITLED, An Act to exempt certain parts and components
14 used in the construction of homebuilt aircraft from sales and use taxes.

15 Was read the first time and referred to the Committee on Taxation.

16 HB 1234: FOR AN ACT ENTITLED, An Act to provide for rewards for the best teachers
17 and those teaching in math and science subject areas, to revise certain provisions regarding
18 evaluation of teachers, to create a system for evaluating principals, to distinguish between
19 tenured and nontenured teachers, to revise certain provisions regarding the employment of
20 teachers, and to repeal provisions regarding the teacher compensation assistance program.

21 Was read the first time and referred to the Committee on Education.

22 HB 1246: FOR AN ACT ENTITLED, An Act to prohibit the use of bisphenol A in certain
23 products.

24 Was read the first time and referred to the Committee on Health and Human Services.

1 HB 1247: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
2 voting rights of persons convicted of a felony or serving time in the state penitentiary.

3 Was read the first time and referred to the Committee on Local Government.

4 HB 1248: FOR AN ACT ENTITLED, An Act to provide for exceptions from certain
5 misdemeanor offenses relating to possession of handguns.

6 Was read the first time and referred to the Committee on Judiciary.

7 HB 1254: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the
8 decision of a pregnant mother considering termination of her relationship with her child by an
9 abortion, to establish certain procedures to insure that such decisions are voluntary, uncoerced,
10 and informed, and to revise certain causes of action for professional negligence relating to
11 performance of an abortion.

12 Was read the first time and referred to the Committee on Health and Human Services.

13 HB 1269: FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs
14 related to disasters and to pine beetle suppression and to declare an emergency.

15 Was read the first time and referred to the Committee on Appropriations.

16 HJR 1006: A JOINT RESOLUTION, Proposing and submitting to the electors at the next
17 general election an amendment to Article XIII, sections 20 and 21 of the Constitution of the
18 State of South Dakota, relating to the trust fund created from the proceeds of the state cement
19 enterprise sales.

20 Was read the first time and referred to the Committee on Appropriations.

21 **SECOND READING OF CONSENT CALENDAR ITEMS**

22 HB 1042: FOR AN ACT ENTITLED, An Act to repeal certain obsolete statutes relating
23 to the State Cement Plant Commission.

24 Was read the second time.

25 The question being "Shall HB 1042 pass?"

26 And the roll being called:

27 Yeas 34, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
3 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
4 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
5 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

6 Excused:

7 Krebs

8 So the bill having received an affirmative vote of a majority of the members-elect, the
9 President declared the bill passed and the title was agreed to.

10 HB 1043: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the
11 full-time equivalent staffing report.

12 Was read the second time.

13 The question being "Shall HB 1043 pass?"

14 And the roll being called:

15 Yeas 34, Nays 0, Excused 1, Absent 0

16 Yeas:

17 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
18 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
19 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
20 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

21 Excused:

22 Krebs

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 President declared the bill passed and the title was agreed to.

25 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

26 Sen. Olson moved that SB 124 be placed to follow SB 80 on today's calendar.

27 Which motion prevailed.

28 SB 49: FOR AN ACT ENTITLED, An Act to revise the property tax levies for the general
29 fund of a school district.

1 Was read the second time.

2 The question being "Shall SB 49 pass?"

3 And the roll being called:

4 Yeas 34, Nays 0, Excused 1, Absent 0

5 Yeas:

6 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
7 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
8 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
9 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

10 Excused:

11 Krebs

12 So the bill having received an affirmative vote of a two-thirds majority of the members-
13 elect, the President declared the bill passed and the title was agreed to.

14 SB 71: FOR AN ACT ENTITLED, An Act to modify the requirements relating to the
15 publication of the administrative rules.

16 Was read the second time.

17 The question being "Shall SB 71 pass?"

18 And the roll being called:

19 Yeas 34, Nays 0, Excused 1, Absent 0

20 Yeas:

21 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
22 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
23 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
24 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

25 Excused:

26 Krebs

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill passed and the title was agreed to.

29 SB 192: FOR AN ACT ENTITLED, An Act to make appropriations for the purpose of
30 one-time increases in education and health care funding.

1 Was read the second time.

2 The question being "Shall SB 192 pass?"

3 And the roll being called:

4 Yeas 34, Nays 0, Excused 1, Absent 0

5 Yeas:

6 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
7 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
8 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
9 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

10 Excused:

11 Krebs

12 So the bill having received an affirmative vote of a two-thirds majority of the members-
13 elect, the President declared the bill passed and the title was agreed to.

14 SB 138: FOR AN ACT ENTITLED, An Act to revise the state aid to education formula
15 and to make an appropriation.

16 Was read the second time.

17 The question being "Shall SB 138 pass?"

18 And the roll being called:

19 Yeas 34, Nays 0, Excused 1, Absent 0

20 Yeas:

21 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
22 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
23 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
24 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

25 Excused:

26 Krebs

27 So the bill having received an affirmative vote of a two-thirds majority of the members-
28 elect, the President declared the bill passed and the title was agreed to.

29 SB 85: FOR AN ACT ENTITLED, An Act to revise the calculation of the small school
30 adjustment in the state aid to education formula.

1 Was read the second time.

2 85ce

3 Sen. Tidemann moved that SB 85 be further amended as follows:

4 On page 6, after line 8 of the Senate Education Committee engrossed bill, insert:

5 "Section 3. The secretary of education shall calculate the difference between the state's
6 share of the amount of money necessary to meet the entitlement in chapter 13-13 for fiscal year
7 2013 and the state's share of the amount of money that would have been necessary to meet the
8 entitlement in chapter 13-13 for fiscal year 2013 if the revisions to the small school adjustment
9 pursuant to this Act had not been enacted, and shall distribute that amount of money in a one-
10 time payment to school districts on the basis of fall enrollment."

11 Which motion prevailed.

12 85cd

13 Sen. Brown moved that SB 85 be further amended as follows:

14 On the Senate Education Committee engrossed bill, delete everything after the enacting
15 clause and any amendments thereto and insert:

16 "Section 1. That subdivision (2C) of § 13-13-10.1 be amended to read as follows:

17 (2C) "Small school adjustment," calculated as follows:

18 (a) For districts with a fall enrollment of two hundred or less, multiply 0.2 times
19 ~~\$4,237.72~~ the per student allocation;

20 (b) For districts with a fall enrollment of greater than two hundred, but less than
21 six hundred, multiply the fall enrollment times negative 0.0005; add 0.3 to that
22 result; and multiply the sum obtained times ~~\$4,237.72~~ the per student
23 allocation;

24 The determination of the small school adjustment for a school district may not
25 include any students residing in a residential treatment facility when the education
26 program is operated by the school district;

27 "

28 Sen. Begalka requested a roll call vote.

29 Which request was supported.

30 The question being on Sen. Brown's motion that SB 85 be further amended.

31 And the roll being called:

32 Yeas 15, Nays 19, Excused 1, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Hundstad; Juhnke; Kraus; Maher;
3 Novstrup (Al); Nygaard; Rampelberg; Rave; Sutton

4 Nays:

5 Cutler; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Holien; Hunhoff (Jean); Johnston;
6 Lederman; Nelson (Tom); Olson (Russell); Peters; Putnam; Rhoden; Schlekeway; Tidemann;
7 Tieszen; Vehle

8 Excused:

9 Krebs

10 So the motion not having received an affirmative vote of a majority of the members
11 present, the President declared the motion lost.

12 85cb

13 Sen. Brown moved that SB 85 be further amended as follows:

14 On the Senate Education Committee engrossed bill, delete everything after the enacting
15 clause and insert:

16 "Section 1. That § 13-13-10.1 be amended to read as follows:

17 13-13-10.1. Terms used in this chapter mean:

18 (1) "Average daily membership," the average number of resident and nonresident
19 kindergarten through twelfth grade pupils enrolled in all schools operated by the
20 school district during the previous regular school year, minus average number of
21 pupils for whom the district receives tuition, except pupils described in subdivision
22 (1A) and pupils for whom tuition is being paid pursuant to § 13-28-42.1 and plus the
23 average number of pupils for whom the district pays tuition;

24 (1A) Nonresident students who are in the care and custody of the Department of Social
25 Services, the Unified Judicial System, the Department of Corrections, or other state
26 agencies and are attending a public school may be included in the average daily
27 membership of the receiving district when enrolled in the receiving district. When
28 counting a student who meets these criteria in its general enrollment average daily
29 membership, the receiving district may begin the enrollment on the first day of
30 attendance. The district of residence prior to the custodial transfer may not include
31 students who meet these criteria in its general enrollment average daily membership
32 after the student ceases to attend school in the resident district;

33 (2) "Adjusted average daily membership," calculated as follows:

34 (a) For districts with an average daily membership of two hundred or less,
35 multiply 1.2 times the average daily membership;

1 (b) For districts with an average daily membership of less than six hundred, but
 2 greater than two hundred, raise the average daily membership to the 0.8293
 3 power and multiply the result times 2.98;

4 (c) For districts with an average daily membership of six hundred or more,
 5 multiply 1.0 times their average daily membership;

6 (2A) "Fall enrollment," the number of kindergarten through twelfth grade students enrolled
 7 in all schools operated by the school district on the last Friday of September of the
 8 current school year minus the number of students for whom the district receives
 9 tuition, except nonresident students who are in the care and custody of a state agency
 10 and are attending a public school and students for whom tuition is being paid
 11 pursuant to § 13-28-42.1, plus the number of students for whom the district pays
 12 tuition. When computing state aid to education for a school district under the
 13 foundation program pursuant to § 13-13-73, the secretary of the Department of
 14 Education shall use either the school district's fall enrollment or the average of the
 15 school district's fall enrollment from the previous two years, whichever is higher;

16 (2B) Repealed by SL 2010, ch 84, § 1.

17 (2C) "Small school adjustment, for any school district defined as sparse pursuant to § 13-
 18 13-78 is calculated as follows:

19 (a) For districts with a fall enrollment of two hundred or less, multiply 0.2 times
 20 \$4,237.72;

21 (b) For districts with a fall enrollment of greater than two hundred, but less than
 22 six hundred, multiply the fall enrollment times negative 0.0005; add 0.3 to that
 23 result; and multiply the sum obtained times \$4,237.72;

24 "Small school adjustment, for any school district that is not sparse is calculated as
 25 follows:

26 (a) For districts with two hundred or less resident students enrolled in the district,
 27 multiply 0.2 times \$4, 237.72;

28 (b) For districts with more than two hundred, but less than six hundred resident
 29 students enrolled in the district, multiply the number of resident students
 30 enrolled in the district times negative 0.0005; add 0.3 to that result; and
 31 multiply the sum obtained times \$4, 237.72;

32 The determination of the small school adjustment for a school district may not
 33 include any students residing in a residential treatment facility when the education
 34 program is operated by the school district;

35 (3) "Index factor," is the annual percentage change in the consumer price index for urban
 36 wage earners and clerical workers as computed by the Bureau of Labor Statistics of

- 1 the United States Department of Labor for the year before the year immediately
2 preceding the year of adjustment or three percent, whichever is less;
- 3 (4) "Per student allocation," for school fiscal year 2011 is \$4,804.60. Each school fiscal
4 year thereafter, the per student allocation is the previous fiscal year's per student
5 allocation increased by the index factor;
- 6 (5) "Local need," is the sum of:
- 7 (a) The per student allocation multiplied by the fall enrollment; and
- 8 (b) The small school adjustment, if applicable, multiplied by the fall enrollment
9 for any school district defined as sparse pursuant to § 13-13-78; or
- 10 (c) The small school adjustment, if applicable, multiplied by the number of
11 resident students enrolled in the district for any school district that is not
12 sparse;
- 13 (6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by
14 applying the levies established pursuant to § 10-12-42;
- 15 (7) "General fund balance," the unreserved fund balance of the general fund, less general
16 fund exclusions plus, beginning with transfers made in fiscal year 2001, any transfers
17 out of the general fund for the previous school fiscal year;
- 18 (8) "General fund balance percentage," is a school district's general fund balance divided
19 by the school district's total general fund expenditures for the previous school fiscal
20 year, the quotient expressed as a percent;
- 21 (9) "General fund base percentage," is the lesser of:
- 22 (a) The general fund balance percentage as of June 30, 2011; or
- 23 (b) The maximum allowable percentage for that particular fiscal year as stated in
24 this subsection.
- 25 For fiscal year 2008, the maximum allowable percentage is one hundred percent; for
26 fiscal year 2009, eighty percent; for fiscal year 2010, sixty percent; for fiscal years
27 2011 to 2014, inclusive, forty percent for each fiscal year; for fiscal year 2015 and
28 subsequent fiscal years, twenty-five percent. However, the general fund base
29 percentage may always be at least twenty-five percent;
- 30 (10) "Allowable general fund balance," the general fund base percentage multiplied by the
31 district's general fund expenditures in the previous school fiscal year;
- 32 (11) "General fund exclusions," revenue a school district has received from the imposition
33 of the excess tax levy pursuant to § 10-12-43; revenue a school district has received
34 from gifts, contributions, grants, or donations; revenue a school district has received

1 under the provisions of §§ 13-6-92 to 13-6-96, inclusive; revenue a school district
 2 has received as compensation for being a sparse school district under the terms of
 3 §§ 13-13-78 and 13-13-79; any revenue a school district has received under the
 4 provisions of the American Recovery and Reinvestment Act of 2009 (P.L. 111-5);
 5 and any revenue in the general fund set aside for a noninsurable judgment.

6 Section 2. That § 13-13-73 be amended to read as follows:

7 13-13-73. The secretary of the Department of Education shall compute state aid to education
 8 for each school district under the foundation program according to the following calculations:

9 (1) Determine each school district's fall enrollment;

10 (2) To arrive at the local need per district:

11 (a) Multiply the per student allocation by the fall enrollment;

12 (b) ~~Multiply~~ For any school district defined as sparse pursuant to § 13-13-78,
 13 multiply the small school adjustment, if applicable, by the fall enrollment; ~~and~~
 14 or

15 For any school district that is not sparse, multiply the small school adjustment,
 16 if applicable, by the number of resident students enrolled in the school district;
 17 and

18 (c) Add the product of subsection (a) to the product of subsection (b);

19 (3) State aid is (a) local need minus local effort, or (b) zero if the calculation in (a) is a
 20 negative number;

21 (4) If the state aid appropriation for the general support of education is in excess of the
 22 entitlement provided for in this section, the excess shall be used to fund any shortfall
 23 of the appropriation as provided for in § 13-37-36.3. The secretary shall report to the
 24 Governor by January seventh of each year, the amount of state aid necessary to fully
 25 fund the general aid formula in the current year. If a shortfall in the state aid
 26 appropriation for general education exists that cannot be covered by § 13-37-45, the
 27 Governor shall inform the Legislature and provide a proposal to eliminate the
 28 shortfall.

29 Section 3. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as
 30 follows:

31 Any money appropriated for state aid to general education that is in excess of the amount
 32 of money necessary to meet the entitlement provided for in this chapter and to meet any shortfall
 33 pursuant to subdivision 13-13-73(4) is not subject to reversion pursuant to § 4-8-19 and shall
 34 be distributed to all school districts receiving state aid pursuant to this chapter on a pro rata basis
 35 according to each eligible school district's fall enrollment compared to the total fall enrollment
 36 of all eligible school districts."

1 Sen. Begalka requested a roll call vote.

2 Which request was supported.

3 The question being on Sen. Brown's motion that SB 85 be further amended.

4 And the roll being called:

5 Yeas 15, Nays 19, Excused 1, Absent 0

6 Yeas:

7 Adelstein; Begalka; Bradford; Brown; Buhl; Hundstad; Juhnke; Kraus; Maher; Novstrup (Al);
8 Nygaard; Peters; Rampelberg; Rave; Sutton

9 Nays:

10 Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Holien; Hunhoff (Jean);
11 Johnston; Lederman; Nelson (Tom); Olson (Russell); Putnam; Rhoden; Schlekeway; Tidemann;
12 Tieszen; Vehle

13 Excused:

14 Krebs

15 So the motion not having received an affirmative vote of a majority of the members
16 present, the President declared the motion lost.

17 Sen. Olson moved the previous question.

18 Which motion prevailed.

19 The question now being "Shall SB 85 pass as amended?"

20 And the roll being called:

21 Yeas 20, Nays 14, Excused 1, Absent 0

22 Yeas:

23 Cutler; Gray; Hansen (Tom); Haverly; Heineman; Holien; Hunhoff (Jean); Johnston; Kraus;
24 Lederman; Maher; Nelson (Tom); Novstrup (Al); Olson (Russell); Peters; Rhoden; Schlekeway;
25 Tidemann; Tieszen; Vehle

26 Nays:

27 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Hundstad; Juhnke; Nygaard;
28 Putnam; Rampelberg; Rave; Sutton

29 Excused:

30 Krebs

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed.

3 The question being on the title.

4 85ctd

5 Sen. Tidemann moved that the title to SB 85 be amended as follows:

6 On page 1, line 2, of the Senate Education Committee engrossed bill, after "formula" insert
7 ", and to provide for the distribution of certain funds to school districts".

8 Which motion prevailed and the title was so amended.

9 SB 130: FOR AN ACT ENTITLED, An Act to require the school board of each school
10 district to adopt a policy prohibiting bullying.

11 Was read the second time.

12 The question being "Shall SB 130 pass as amended?"

13 And the roll being called:

14 Yeas 27, Nays 7, Excused 1, Absent 0

15 Yeas:

16 Adelstein; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Haverly; Heineman; Holien;
17 Hundstad; Johnston; Juhnke; Kraus; Lederman; Novstrup (Al); Nygaard; Peters; Rampelberg;
18 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

19 Nays:

20 Begalka; Hansen (Tom); Hunhoff (Jean); Maher; Nelson (Tom); Olson (Russell); Putnam

21 Excused:

22 Krebs

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 President declared the bill passed and the title was agreed to.

25 SB 80: FOR AN ACT ENTITLED, An Act to exempt veterans from the twelve-month
26 residency requirement for the purposes of tuition and fees.

27 Was read the second time.

28 The question being "Shall SB 80 pass as amended?"

1 And the roll being called:

2 Yeas 33, Nays 1, Excused 1, Absent 0

3 Yeas:

4 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
5 Haverly; Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman; Maher;
6 Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave;
7 Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

8 Nays:

9 Hundstad

10 Excused:

11 Krebs

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 Sen. Olson moved that the Senate do now recess until 4:30 p.m., which motion prevailed
15 and at 3:30 p.m., the Senate recessed.

16 **RECESS**

17 The Senate reconvened at 5:30 p.m., the President presiding.

18 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

19 (continued)

20 SB 124: FOR AN ACT ENTITLED, An Act to revise per student allocation for state aid
21 to education, to revise the property tax levies for the general fund of school districts, and to
22 revise certain provisions concerning state aid and local effort.

23 Was read the second time.

24 Sen. Brown moved that SB 124 be laid on the table.

25 The question being on Sen. Brown's motion that SB 124 be laid on the table.

26 And the roll being called:

27 Yeas 23, Nays 11, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Cutler; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Holien; Hundstad;
3 Juhnke; Kraus; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters;
4 Putnam; Rampelberg; Rave; Tidemann; Tieszen

5 Nays:

6 Adelstein; Begalka; Buhl; Frerichs; Hunhoff (Jean); Johnston; Lederman; Rhoden; Schlekeway;
7 Sutton; Vehle

8 Excused:

9 Krebs

10 So the motion having received an affirmative vote of a majority of the members-elect, the
11 President declared the motion carried.

12 SB 48: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for
13 fiscal year 2012.

14 Was read the second time.

15 48ua

16 Sen. Brown moved that SB 48 be further amended as follows:

17 On page 8, line 18, of the Senate Appropriations Committee engrossed bill, delete "Funds"
18 and insert "Up to twenty million dollars (\$20,000,000) in general funds".

19 On page 8, line 20, after "2013" insert "for Medical and Adult Services. Federal and other
20 funds appropriated in subsection (3) of section 8 of chapter 23 of the 2011 Session Laws which
21 are unspent at the end of fiscal year 2012 may be carried over to fiscal year 2013 for Medical
22 and Adult Services".

23 Which motion prevailed.

24 The question being "Shall SB 48 pass as amended?"

25 And the roll being called:

26 Yeas 32, Nays 1, Excused 2, Absent 0

27 Yeas:

28 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
29 Haverly; Heineman; Holien; Hunhoff (Jean); Juhnke; Kraus; Lederman; Maher; Nelson (Tom);
30 Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
31 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

1 Nays:

2 Hundstad

3 Excused:

4 Johnston; Krebs

5 So the bill having received an affirmative vote of a majority of the members-elect, the
6 President declared the bill passed and the title was agreed to.

7 SB 82: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
8 unclaimed property trust fund.

9 Was read the second time.

10 The question being "Shall SB 82 pass as amended?"

11 And the roll being called:

12 Yeas 33, Nays 0, Excused 2, Absent 0

13 Yeas:

14 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
15 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Juhnke; Kraus; Lederman; Maher;
16 Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rempelberg; Rave;
17 Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

18 Excused:

19 Johnston; Krebs

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 President declared the bill passed and the title was agreed to.

22 SB 193: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for
23 fiscal year 2012 and to declare an emergency.

24 Was read the second time.

25 The question being "Shall SB 193 pass as amended?"

26 And the roll being called:

27 Yeas 33, Nays 0, Excused 2, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
3 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Juhnke; Kraus; Lederman; Maher;
4 Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave;
5 Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

6 Excused:

7 Johnston; Krebs

8 So the bill having received an affirmative vote of a two-thirds majority of the members-
9 elect, the President declared the bill passed and the title was agreed to.

10 SB 187: FOR AN ACT ENTITLED, An Act to reformulate the legislative agency review
11 with an independent performance audit and to repeal certain provisions regarding the legislative
12 review of state agencies.

13 Was read the second time.

14 The question being "Shall SB 187 pass as amended?"

15 And the roll being called:

16 Yeas 29, Nays 5, Excused 1, Absent 0

17 Yeas:

18 Adelstein; Begalka; Brown; Buhl; Cutler; Fryslie; Gray; Hansen (Tom); Haverly; Heineman;
19 Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman; Maher; Nelson (Tom); Novstrup
20 (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Schlekeway; Tidemann;
21 Tieszen; Vehle

22 Nays:

23 Bradford; Frerichs; Hundstad; Rhoden; Sutton

24 Excused:

25 Krebs

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 SB 128: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
29 elections.

30 Was read the second time.

31 The question being "Shall SB 128 pass?"

1 And the roll being called:

2 Yeas 15, Nays 19, Excused 1, Absent 0

3 Yeas:

4 Cutler; Frerichs; Hundstad; Johnston; Juhnke; Kraus; Lederman; Maher; Nelson (Tom);
5 Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen

6 Nays:

7 Adelstein; Begalka; Bradford; Brown; Buhl; Fryslie; Gray; Hansen (Tom); Haverly; Heineman;
8 Holien; Hunhoff (Jean); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rave; Vehle

9 Excused:

10 Krebs

11 So the bill not having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill lost.

13 Sen. Lederman announced his intention to reconsider the vote by which SB 128 lost.

14 SB 171: FOR AN ACT ENTITLED, An Act to provide for a runoff election under certain
15 circumstances when errors have been made to the ballot printing or by the person in charge of
16 the election.

17 Was read the second time.

18 171ta

19 Sen. Frerichs moved that SB 171 be further amended as follows:

20 On the Senate Local Government engrossed bill, delete all amendments, thus restoring the
21 bill to the printed version.

22 Sen. Gray moved that SB 171 and all pending amendments be laid on the table.

23 The question being on Sen. Gray's motion that SB 171 and all pending amendments be laid
24 on the table.

25 And the roll being called:

26 Yeas 27, Nays 7, Excused 1, Absent 0

1 Yeas:

2 Adelstein; Bradford; Brown; Cutler; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Holien;
3 Hunhoff (Jean); Johnston; Juhnke; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson
4 (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden; Schlekeway; Tidemann; Tieszen; Vehle

5 Nays:

6 Begalka; Buhl; Frerichs; Hundstad; Kraus; Lederman; Sutton

7 Excused:

8 Krebs

9 So the motion having received an affirmative vote of a majority of the members-elect, the
10 President declared the motion carried and SB 171 was laid on the table.

11 SB 181: FOR AN ACT ENTITLED, An Act to repeal certain tort liability arising out of
12 causes of action based on seduction, abduction, and alienation of affections.

13 Was read the second time.

14 Sen. Olson moved the previous question.

15 Which motion prevailed.

16 The question being "Shall SB 181 pass?"

17 And the roll being called:

18 Yeas 12, Nays 22, Excused 1, Absent 0

19 Yeas:

20 Adelstein; Bradford; Buhl; Cutler; Hundstad; Lederman; Nelson (Tom); Nygaard; Peters;
21 Sutton; Tidemann; Tieszen

22 Nays:

23 Begalka; Brown; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Holien; Hunhoff
24 (Jean); Johnston; Juhnke; Kraus; Maher; Novstrup (Al); Olson (Russell); Putnam; Rampelberg;
25 Rave; Rhoden; Schlekeway; Vehle

26 Excused:

27 Krebs

28 So the bill not having received an affirmative vote of a majority of the members-elect, the
29 President declared the bill lost.

1 SB 10: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to
2 boating while under the influence.

3 Was read the second time.

4 The question being "Shall SB 10 pass as amended?"

5 And the roll being called:

6 Yeas 27, Nays 6, Excused 2, Absent 0

7 Yeas:

8 Begalka; Bradford; Buhl; Cutler; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Holien;
9 Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman; Nelson (Tom); Novstrup (Al);
10 Nygaard; Olson (Russell); Peters; Rampelberg; Rave; Schlekeway; Tidemann; Tieszen; Vehle

11 Nays:

12 Brown; Frerichs; Maher; Putnam; Rhoden; Sutton

13 Excused:

14 Adelstein; Krebs

15 So the bill having received an affirmative vote of a majority of the members-elect, the
16 President declared the bill passed and the title was agreed to.

17 SB 77: FOR AN ACT ENTITLED, An Act to provide for the establishment of a
18 scholarship program for postsecondary technical institute students and to make an appropriation
19 therefor.

20 Was read the second time.

21 The question being "Shall SB 77 pass as amended?"

22 And the roll being called:

23 Yeas 30, Nays 2, Excused 3, Absent 0

24 Yeas:

25 Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
26 Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Maher; Nelson (Tom);
27 Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
28 Schlekeway; Sutton; Tieszen; Vehle

29 Nays:

30 Kraus; Tidemann

1 Excused:
2 Adelstein; Krebs; Lederman

3 So the bill having received an affirmative vote of a two-thirds majority of the members-
4 elect, the President declared the bill passed and the title was agreed to.

5 SB 98: FOR AN ACT ENTITLED, An Act to provide for a pilot program initiating two
6 mathematics and science academies and to make an appropriation therefor.

7 Was read the second time.

8 Sen. Olson moved the previous question.

9 Which motion prevailed.

10 The question being "Shall SB 98 pass as amended?"

11 And the roll being called:

12 Yeas 20, Nays 11, Excused 4, Absent 0

13 Yeas:
14 Bradford; Cutler; Frerichs; Gray; Hansen (Tom); Haverly; Heineman; Holien; Johnston; Kraus;
15 Novstrup (Al); Olson (Russell); Peters; Putnam; Rampelberg; Rave; Schlekeway; Tidemann;
16 Tieszen; Vehle

17 Nays:
18 Begalka; Buhl; Fryslie; Hundstad; Hunhoff (Jean); Juhnke; Maher; Nelson (Tom); Nygaard;
19 Rhoden; Sutton

20 Excused:
21 Adelstein; Brown; Krebs; Lederman

22 So the bill not having received an affirmative vote of a two-thirds majority of the members-
23 elect, the President declared the bill ~~passed and the title was agreed to~~ lost.
24 (Journal correction: See page 431 of the Senate Journal.)

25 SB 139: FOR AN ACT ENTITLED, An Act to establish the Teach for America grant
26 program within the Department of Education and to make an appropriation therefor.

27 Was read the second time.

1 139ma

2 Sen. Heineman moved that SB 139 be further amended as follows:

3 On page 2, after line 23 of the Senate Education Committee engrossed bill, insert:

4 "Section 5. Any amounts appropriated in this Act not lawfully expended or obligated shall
5 revert in accordance with the procedures prescribed in chapter 4-8."

6 Which motion prevailed.

7 Sen. Olson moved the previous question.

8 Which motion prevailed.

9 The question being "Shall SB 139 pass as amended?"

10 And the roll being called:

11 Yeas 29, Nays 3, Excused 3, Absent 0

12 Yeas:

13 Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
14 Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman; Maher;
15 Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Schlekeway; Tidemann;
16 Tieszen; Vehle

17 Nays:

18 Nelson (Tom); Rhoden; Sutton

19 Excused:

20 Adelstein; Krebs; Rave

21 So the bill having received an affirmative vote of a two-thirds majority of the members-
22 elect, the President declared the bill passed and the title was agreed to.

23 SB 95: FOR AN ACT ENTITLED, An Act to modify distributions from the wind energy
24 tax fund.

25 Was read the second time.

26 The question being "Shall SB 95 pass?"

27 And the roll being called:

1 Yeas 11, Nays 20, Excused 4, Absent 0

2 Yeas:

3 Begalka; Buhl; Frerichs; Fryslie; Hundstad; Kraus; Nelson (Tom); Nygaard; Rhoden; Tieszen;
4 Vehle

5 Nays:

6 Bradford; Brown; Gray; Hansen (Tom); Haverly; Heineman; Holien; Hunhoff (Jean); Johnston;
7 Juhnke; Lederman; Maher; Novstrup (Al); Olson (Russell); Peters; Putnam; Rampelberg;
8 Schlekeway; Sutton; Tidemann

9 Excused:

10 Adelstein; Cutler; Krebs; Rave

11 So the bill not having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill lost.

13 SB 105: FOR AN ACT ENTITLED, An Act to impact education in South Dakota.

14 Was read the second time.

15 Sen. Olson moved that SB 105 be laid on the table.

16 The question being on Sen. Olson's motion that SB 105 be laid on the table.

17 And the roll being called:

18 Yeas 31, Nays 0, Excused 4, Absent 0

19 Yeas:

20 Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
21 Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman; Maher;
22 Nelson (Tom); Novstrup (Al); Olson (Russell); Peters; Putnam; Rampelberg; Rhoden;
23 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

24 Excused:

25 Adelstein; Krebs; Nygaard; Rave

26 So the motion having received an affirmative vote of a majority of the members-elect, the
27 President declared the motion carried.

28 SB 170: FOR AN ACT ENTITLED, An Act to provide for the enhancement of economic
29 development in South Dakota.

30 Was read the second time.

1 The question being "Shall SB 170 pass as amended?"

2 And the roll being called:

3 Yeas 26, Nays 6, Excused 3, Absent 0

4 Yeas:

5 Begalka; Bradford; Brown; Cutler; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Holien;
6 Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman; Maher; Nelson (Tom); Novstrup (Al);
7 Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Schlekeway; Tidemann; Tieszen

8 Nays:

9 Buhl; Frerichs; Hundstad; Rhoden; Sutton; Vehle

10 Excused:

11 Adelstein; Krebs; Rave

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 SB 188: FOR AN ACT ENTITLED, An Act to authorize the establishment, operation, and
15 control of research parks on lands controlled by the Board of Regents.

16 Was read the second time.

17 The question being "Shall SB 188 pass as amended?"

18 And the roll being called:

19 Yeas 28, Nays 4, Excused 3, Absent 0

20 Yeas:

21 Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
22 Heineman; Holien; Hundstad; Johnston; Juhnke; Lederman; Nelson (Tom); Novstrup (Al);
23 Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Schlekeway; Sutton; Tidemann;
24 Tieszen; Vehle

25 Nays:

26 Hunhoff (Jean); Kraus; Maher; Rhoden

27 Excused:

28 Adelstein; Krebs; Rave

29 So the bill having received an affirmative vote of a majority of the members-elect, the
30 President declared the bill passed and the title was agreed to.

1 Earlier today Sen. Lederman announced his intention to reconsider the vote by which
2 SB 128 lost.

3 Sen. Lederman moved that the Senate do now reconsider the vote by which SB 128 lost.

4 The question being on Sen. Lederman's motion to reconsider the vote by which SB 128
5 lost.

6 And the roll being called:

7 Yeas 24, Nays 8, Excused 3, Absent 0

8 Yeas:

9 Begalka; Brown; Buhl; Cutler; Frerichs; Gray; Haverly; Heineman; Holien; Hundstad; Kraus;
10 Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Rampelberg;
11 Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

12 Nays:

13 Bradford; Fryslie; Hansen (Tom); Hunhoff (Jean); Johnston; Juhnke; Peters; Putnam

14 Excused:

15 Adelstein; Krebs; Rave

16 So the motion having received an affirmative vote of a majority of the members-elect, the
17 President declared the motion carried and SB 128 was up for reconsideration and final passage.

18 SB 128: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
19 elections.

20 Having had its second reading was up for reconsideration and final passage.

21 128fa

22 Sen. Lederman moved that SB 128 be amended as follows:

23 On page 1 of the printed bill, delete lines 14 and 15.

24 On page 2, delete lines 1 and 2.

25 Which motion prevailed.

26 The question being "Shall SB 128 pass as amended?"

27 And the roll being called:

28 Yeas 27, Nays 5, Excused 3, Absent 0

1 Yeas:

2 Bradford; Brown; Cutler; Frerichs; Gray; Haverly; Heineman; Holien; Hundstad; Hunhoff
3 (Jean); Johnston; Kraus; Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson
4 (Russell); Peters; Putnam; Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen;
5 Vehle

6 Nays:

7 Begalka; Buhl; Fryslie; Hansen (Tom); Juhnke

8 Excused:

9 Adelstein; Krebs; Rave

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 **SIGNING OF BILLS**

13 The President publicly read the title to

14 SB 33: FOR AN ACT ENTITLED, An Act to revise the exemptions for insurance agent
15 examinations.

16 SB 34: FOR AN ACT ENTITLED, An Act to revise certain provisions and delete certain
17 obsolete provisions pertaining to the Department of Labor and Regulation.

18 SB 51: FOR AN ACT ENTITLED, An Act to eliminate an obsolete reference to the
19 Division of Commercial Inspection and Regulation.

20 HB 1154: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
21 construction of roads outside the road district.

22 And signed the same in the presence of the Senate.

23 Sen. Nelson moved that the Senate do now adjourn, which motion prevailed and at
24 8:22 p.m. the Senate adjourned.

25

Fee Jacobsen, Secretary